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DEC 23 2002

In re Application of
Farina et al.
Application No. 09/867,133
Filed: May 29, 2001
Attorney Docket Number:
P30958C2-D1

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition filed October 29, 2002, requesting that the above-identified application be accorded a filing date of May 29, 2001.

The petition is granted.

The application was filed on May 29, 2001. However, on June 20, 2001, the Office mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of May 29, 2001, and advising applicants that pages 57 and 85 of the specification appeared to have been omitted from the application.

Subsequently, on August 9, 2002, this Office mailed a Withdrawal of Previously sent Notice in the above-identified application, withdrawing a Notice mailed December 4, 2001, and mailing a corrected Notice to File Corrected Application Papers, Filing Date Granted. The Notice required an abstract, and most notably, the filing date of the application was changed to July 23, 2001.

In response, On October 29, 2002, Petitioner filed the instant Response to Notice to File Corrected Application Papers wherein Petitioner requests confirmation of the filing date of the instant application as the original filing date, May 29, 2001.

A review of the file reveals that no Notice was mailed to Petitioner on December 4, 2001. A further review of the file reveals that an abstract was filed with the instant application on May 29, 2001. This fact is also supported by Petitioner's return postcard which acknowledges receipt of 1 page of Abstract.

In view of the record above, the filing date of the application should be May 29, 2002. The Notice to File Corrected Application Papers, mailed December 4, 2001, was mailed in error and is hereby withdrawn.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of May 29, 2001, using the specification and abstract filed on that date.

Thereafter, the application will be forwarded to the appropriate group art unit for examination in due course.

The \$130.00 petition fee and \$110.00 one-month extension of time fee charged to deposit account 19-2570 have been credited to the deposit account.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Christina Tartera Donnell for

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Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy